APPENDIX

(Note: The numbered Sections in the first portion of this appendix are from the Compiled General Laws of Florida, 1927. The numbers enclosed in parentheses immediately after the numbers of the sections refer to the sections of the Revised General Statutes of 1920, wherein such statutes were embraced prior to the compilation of 1927. The parenthetical notes at the end of each section refer to the Chapter numbers under which the statutes were originally enacted.)

3001 (1891). Town valuation not to exceed State.—The city or town may make its own assessment of property for taxation, but the valuation of property by the municipality shall not exceed the last valuation thereof by the State for taxation. The total taxes levied upon any property by any municipal corporation in any one year shall not exceed one per cent upon such State valuation, but this provision is not to be so construed as to prevent the said corporation from levying sufficient tax to meet the payment of interest on its outstanding bonds, and to provide for the payment of the principal thereof when the same shall become due, or from levying such taxes for special purposes, or from making such special assessments of property as are in this Chapter specified. (Ch. 3477, Acts 1883, Sec. 2, Const. 1885.)

3009 (1899). Power to issue bonds.—The city or town council shall have power, with the approval of two-thirds of the registered voters of the city having the qualifications specified in the preceding section, and actually voting, to issue bonds bearing such rates of interest as may be deemed best by the council, not exceeding the legal rate of interest in this State, whenever it may be necessary for the purpose of building or repairing the public works of the city, the widening and extension of streets or parks, payment of existing indebtedness of the city, or any other municipal purpose. (Id. Sec. 6.)

3010 (1900). Issuance of bonds to be submitted to election.—Before any such bonds are issued, the question of issuing them, as well as the amount to be issued, shall be submitted to the electors of the city having the qualifications specified in said section, in such manner and after such public notice as may be deemed necessary by the city council; and should two-thirds of the votes actually cast by said electors be in favor of issuing the bonds and the amount proposed to be issued, in that event it shall be lawful for them to be issued, otherwise not. (Id. Sec. 7.)

3011 (1901). Issuing bonds; purposes authorized; limitation of amount; election.—Cities and towns may issue bonds for the purpose of building or repairing public buildings or waterworks of the city or town, widening or extending streets or parks, purchasing or establishing gas or electric light plants for the city or town, or for any other municipal purpose, to an amount not exceeding ten per cent of the assessed value of the real and personal property within its incorporated limits. But this limitation shall not operate to prevent the issue by any city or town of additional bonds which, with the existing bonded indebtedness, shall not exceed ten per cent of the assessed value of the real and personal property within its corporate limits: Provided, that no bonds shall be issued by any city or town until the question of issuing same shall have been decided in favor of such bond issue by an election held for that purpose in the manner now provided by law: Provided, this section shall not apply to cities and towns which have special charters from the Legislature. (Ch. 3476, Acts 1883, Sec. 5; Ch. 5465, Acts 1905 Sec. 1.)

3013 (1903). Tax for bonds.—It is hereby made the duty of the city council to assess and collect such taxes from the citizens and upon the property within the city, as shall be necessary for the payment of interest upon, as well as the final payment of said bonds: Provided, however, that all property shall be taxed upon the principle

established by State taxation. (Ch. 1688, Acts 1869, Sec. 20.)

3032. Bonds.—After the equalization, approval and confirmation of the levying of special assessments for street improvements, as hereinbefore provided by Section 3029, and as soon as a contract for said street improvement has been finally let, the governing authority of the municipality may, by resolution, issue bonds, pledging the full faith and credit of said municipality, to an amount not exceeding seventy per cent of the proportionate part of the cost of said street improvement to be paid by special assessment, and the estimated cost of said street improvement as stated in the resolution provided by Section 3024 shall be used as a basis of calculation in determining seventy per cent of the proportionate part of the cost of said street improvement to be paid by special assessment; such bonds shall be general obligations of the municipality issuing the same, and if special assessments be not imposed and collected in respect of the improvement in season to pay the principal and interest of said bonds the governing authority of the municipality shall levy and collect on all taxable property in the municipality a tax sufficient to pay such principal and interest as the same respectively become due and payable. All bonds issued under the provisions of this section shall be excluded from any limitation of bonded indebtedness prescribed by the charter of the municipality issuing the same, or by general law, and said bonds shall be issued upon the adoption of a resolution by the governing authority of the municipality providing for the issuing thereof, without submitting the question as to the issuance of said bonds to a vote of the electors of said municipality. (Ch. 9298, Acts of 1923, Sec. 11.)

3033. Further bonds. Funds.—After the levy of special assessments for street improvements stand confirmed, and after the completion and acceptance of said improvements by the governing authority of a municipality, the governing authority of said municipality may, by resolu-

tion, issue further bonds pledging the full faith and credit of the municipality to an amount not exceeding the unpaid assessments for said street improvements: Provided, however, if any bonds have been issued under the preceding section upon estimate of the cost of the improvement the bonds issued under the preceding section and the bonds issued under this section shall not in the aggregate exceed the amount of the unpaid assessments.

All special assessments levied and imposed in respect of the improvement under this and the preceding section, shall constitute a fund for the payment of the principal and interest of the bonds authorized by this and the preceding section, and in the event there be a failure to collect and receive the said special assessment in season to pay the principal and interest of said bonds, the municipality shall levy and collect on all taxable property in said municipality a tax sufficient to pay such principal and interest as the same respectively become due and payable.

All bonds issued under the provisions of this section shall be excluded from any limitation of bonded indebtedness prescribed by the charter of the municipality issuing the same, or by general law, and shall be issued in the same manner as provided for in the preceding section.

No bonds issued under this or the preceding section shall be held in any way to impair or invalidate any special assessment made under the provisions of this law. (Id. Sec. 12.)

CHAPTER 11,855—(NO. 50)

AN ACT to Authorize the Issuance of Refunding Bonds by Counties, Cities, Towns and Other Municipal Corporations and Taxing Districts, and to Provide for Their Payment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. That the governing authority of any county, city, town, municipal corporation or taxing district of the State may by resolution authorize the issuance of refunding bonds for the purpose of refunding any bond, note, certificate of indebtedness or other obligation for the payment of which the credit of said county, city, town, municipal corporation or taxing district is pledged, at or prior to maturity in the manner provided in this Act.

Sec. 2. Said refunding bonds may be issued within three months prior to the date of maturity of the obligations proposed to be refunded, or if said outstanding obligations shall be callable, within three months prior to the callable date. Refunding bonds may be delivered under the provisions of this Act at any time regardless of the date of maturity or optional dates of the obligations refunded, upon the surrender by the holder of a like amount of the obligations refunded. All obligations refunded under the provisions of this Act shall be immediately canceled in such manner as the governing authority shall prescribe.

Sec. 3. Said refunding bonds may be in coupon or registered form, or may be coupon bonds with privilege of registration as to principal only or as to both principal and interest, under such terms and conditions as the governing authority may prescribe. The governing authority may designate a bank or trust company within the State of Florida to act as registrar for said bonds. All bonds issued hereunder shall mature in annual instalments of

not less than three per cent of the total amount thereof, beginning not more than three years after date and running not longer than twenty-five years after date. They shall bear interest at a rate not exceeding six per centum per annum, payable annually or semiannually, and shall be executed in such a manner as the governing authority shall determine. Said bonds may be sold at public or private sale, and said bonds shall not be sold for less than ninety-five per centum of their par value and accrued interest to date of delivery.

Sec. 4. All special assessments levied on account of any improvement to finance which the obligations so refunded were issued, upon collection shall be paid into the sinking fund for the payment of the refunding bonds, and the proceeds of said special assessments shall be used for no other purpose. For the payment of all bonds issued under the provisions of this Act, the full faith and credit of the county, city, town, municipal corporation or taxing district, shall be pledged, and there shall be levied annually upon all taxable property therein, a tax sufficient to provide for the payment of said bonds, and the interest thereon at maturity. All bonds issued hereunder for the purpose of refunding obligations which are excepted from any limitation of indebtedness, shall likewise be excluded in applying any limitation of indebtedness prescribed by any statute of the State or City or Town Charter.

Sec. 5. In the event refunding bonds are issued under the provisions of this Act prior to the date of maturity or option date of the obligations proposed to be refunded, the proceeds of said refunding bonds shall be deposited in a bank or trust company within the State of Florida, which depository shall give a surety bond, or other such bonds as are authorized by law to be accepted for securing County and City funds, satisfactory to the Comptroller of the State of Florida for the full amount of money so deposited and the funds so deposited shall only be withdrawn with the approval of the State Comptroller, for the

purpose of paying the obligations to refund which said bonds were issued.

Sec. 6. No proceedings shall be required for the issuance of bonds hereunder, except such as are prescribed by this Act, any provision of the general laws of the State of Florida or of any special Act or municipal charter applicable to the political subdivision issuing said bonds, to the contrary notwithstanding.

Sec. 7. This Act shall take effect upon its approval by the Governor, or upon its becoming a law without such approval.

Approved June 6, 1927.

CHAPTER 15,347, ACTS OF 1931—(No. 709)

AN ACT to Authorize the Town Council of the Town of Miami Shores to Compromise and Adjust Certain Taxes, Tax Sale Certificates and Assessment Liens, Either for Cash, or Bonds or Other Obligations of the Town, and to Validate, Ratify and Confirm Acts, Contracts and Obligations Thereof.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The Town Council of the Town of Miami Shores is hereby authorized and empowered, during the period ending June 30th, 1933:

(a) To compromise and adjust, either for cash, bonds or other obligations owing by Town of Miami Shores, the whole or any part of any special assessment or special improvement lien held by said Town.

(b) To compromise and adjust, either for cash, or bonds or other obligations of the Town of Miami Shores, the whole or any portion of taxes which became delinquent prior to the year 1931, or tax sale certificates held by said Town of Miami Shores.

Section 2. Nothing in this Act shall be deemed to validate or confirm any acts, contracts or obligations which form the subject matter of pending litigation.

Section 3. If any section, or part of a section of this Act, proves to be invalid or unconstitutional, the same shall not invalidate or impair the valid force or effect of any other section or part of a section of this Act, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section, or part of a section, so held to be unconstitutional or invalid.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without his approval.

Approved June 15, 1931.

CHAPTER 15,822, ACTS OF 1931—(No. 104)

AN ACT to Authorize the Town Council of the Town of Miami Shores to Compromise and Adjust Certain Taxes, Tax Sale Certificates and Assessment Liens, Either for Cash or Bonds or Other Obligations of the Town, and to Validate, Ratify and Confirm Acts, Contracts and Other Obligations Thereof.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The Town Council of Miami Shores is hereby authorized and empowered during the period ending June 30th, 1932:

(a) To compromise and adjust either for cash, bonds or other obligations owing the Town of Miami Shores the whole or any part of any special assessment or special improvement held by said Town prior to 1931.

(b) To compromise and adjust either for cash or bonds or other obligations of the Town of Miami Shores the whole or any portion of taxes which became delinquent

prior to the year 1931 or tax sale certificates held by said Town of Miami Shores for taxes in said Town prior to the year 1931.

Section 2. If any section, or part of a section of this Act, proves to be invalid or unconstitutional, the same shall not invalidate or impair the valid force or effect of any other section or part of a section of this Act, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section, or part of a section, so held to be unconstitutional or invalid.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its becoming a law without his approval.

Became a law without the Governor's approval.

CHAPTER 15,823, ACTS OF 1931—(No. 105)

AN ACT Changing the Name of the Municipality in Dade County Now Known as "Town of Miami Shores" to "North Miami," and Providing That This Act Shall Not Affect Any Pending Litigation, and Prohibiting the Use of the Name "Miami Shores" or Any Similar Name by Said Town or Other Municipality Comprising the Whole or Any Part of the Territory Over Which said Town Now Claims Jurisdiction.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. The name of the municipality in Dade County, Florida, designated in and pursuant to incorporation proceedings which are of record in Deed Book 920, pages 193 to 198, inclusive, in the office of the Circuit Court Clerk of Dade County, Florida, as "Town of Miami Shores," and known by said name, is hereby changed to "North Miami," by which last-mentioned name said Town shall henceforth be known and designated for all purposes.

Section 2. Nothing contained in this Act shall operate or be construed in any way to impair or affect the rights of any property owner or other party to any pending litigation or the merits or status of any pending litigation, although the name in or style of any action or suit in which said Town is a party may be amended to conform to the name of said Town as herein changed upon motion by either party after reasonable notice.

Section 3. That neither said Town hereinbefore designated, nor any municipal corporation hereafter created, comprising the whole or any part of the territory over which said Town now claims jurisdiction, shall ever adopt or use as its corporate name, or as a part thereof, the name "Miami Shores," or any similar name.

Section 4. All laws and parts of laws, in so far as the same conflict with or may be inconsistent with this Act, or any part hereof, are hereby repealed.

Section 5. Invalidity or failure to operate of any clause, sentence, phrase or other part of this Act, shall in no way or degree impair the validity or operation of any other clause, sentence, phrase or other part hereof.

Section 6. This Act shall take effect upon becoming a law.

Became law without the Governor's approval.

CHAPTER 16,584, ACTS OF 1933—(No. 727) HOUSE BILL NO. 1487

AN ACT to Change the Date of the Annual Election and the Period of the Fiscal Year of the Town of North Maimi and to Provide for the Levy and Assessment of Taxes Based on a Budget for a Period of Less Than One Year to Conform with the Proposed Changes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. That the period of the fiscal year and the terms of all elected officers for the Town of North Miami

shall begin on January 1st and end on the following December 31st of each year hereafter. The terms of the present elected officers to expire on December 31st of the year preceding that in which the terms would end under present town ordinances.

Section 2. That Town officials are hereby authorized to set the date of the annual election of officers on December 28th of each year, provided, however, that if the 28th shall fall on Sunday or a legal holiday the election be held on the 29th of December of each and every year.

Section 3. That the next annual budget shall cover the period from February 5th, 1934, to December 31st, 1934, and all other budgets shall be drawn in accordance with Section 1 of this Act and the millage, levying and assessing of taxes for the period of February 5th, 1934, to December 31st, 1934, shall conform to the budget so prepared for that period.

Became a law without the Governor's approval.

CHAPTER 17,616, ACTS OF 1935—(No.845) HOUSE BILL NO. 1173

AN ACT Authorizing "North Miami," a Town Located in Dade County, Florida, and Incorporated Under the General Laws of the State of Florida, to Abolish the Office of Marshal and to Create the Office of Chief of Police; and Providing for His Duties, Appointment, and Compensation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. That "North Miami" a town located in Dade County, Florida, and incorporated under the General Laws of Florida, be, and is hereby authorized and empowered to abolish, by ordinance, the elective office of Marshal, and to create the appointive office of Chief of Police.

Section 2. The Chief of Police shall be appointed by the Mayor, with the consent of the Council, and shall receive such compensation as shall be fixed by the Council. All legal or constitutional powers of the office of Marshal shall, upon the abolishment of said office and the creation of the office of Chief of Police, be considered as assigned to the office of Chief of Police, without further action by the Council.

Section 3. The provisions of this Act shall not be used to terminate or shorten the term of any City or Town Marshal now holding office.

Section 4. All laws, or provisions thereof, in conflict herewith are hereby repealed, in so far as said conflict would prevent the action herein contemplated.

Section 5. This Act shall take effect immediately upon its passage and approval by the Governor, or its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office of Secretary of State May 30, 1935.

CHAPTER 17,617, ACTS OF 1935—(No. 846) HOUSE BILL NO. 1174

AN ACT to Authorize "North Miami," a Town in Dade County, Florida, and Incorporated Under the General Laws of the State of Florida, to Provide and Prescribe Zoning Regulations, and to Provide for a Planning Board and a Zoning Commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. That "North Miami," a Town Located in Dade County Florida, and incorporated under the General Laws of the State of Florida, may, in the interest of the public health, safety, convenience, comfort, prosperity or general welfare, adopt by ordinance, a plan or plans for the districting or zoning of the Town for the purpose of regulating trades, businesses, industries, bulkheads apart-

ment houses, hotels, dwellings, or other uses of real property or for the purpose of regulating the height of buildings or other structures, or for the purpose of regulating alignment of buildings or other structures near street frontages. The zoning regulations may be based upon one or more of the purposes above described. The Town may be divided into such number of zones or districts, and such districts may be of such shape and area as shall be best suited to accomplish the purposes of the zoning regulations. In the determination and establishment of districts and regulations classifications may be based on the nature or character of the trade, business, industry, profession or other activity conducted upon the premises, the number of persons, families or other group units to reside in or use buildings, the public, quasi-public or private nature of the use of the premises or upon any, other basis or bases relevant to the promotion of the public health, safety, order, morals, convenience, prosperity or welfare.

Section 2. No ordinance adopting zoning regulations as provided for in Section 1 hereof shall be passed by the Town of "North Miami" until after a comprehensive plan of the zoning of said Town shall have been prepared and submitted to the governing authority of said Town and to this end the Town of "North Miami" is authorized to designate and name a Planning Board or Zoning Commission to consist of not less than three nor more than five members to study and present a comprehensive plan for the zoning of said Town, the members of which Board or Commission to serve without compensation.

Section 3. All laws or parts of laws in conflict herewith are hereby repealed.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor, or its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State, June 10, 1935.

CHAPTER 17,618, ACTS OF 1935—(No. 847)
HOUSE BILL NO. 1175

AN ACT Providing that "North Miami," a Town Located in Dade County, Florida, and Incorporated Under the General Laws of the State of Florida, May Abate Nuisances and Take Measures to Preserve The Public Health; and Assess the Cost Thereof Against the Property Where such Nuisances or Menace to Health Exists.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. That "North Miami," a Town located in Dade County, Florida, and incorporated under the General Laws of the State of Florida, having in accordance with the provisions of said General Laws adopted an ordinance or ordinances for the abatement of nuisances and the preservation of public health, may proceed to accomplish said abatement or preservation of public health in the manner and form set out in said General Laws; and the said Town be, and is hereby authorized to assess the costs thereof against the property where the said nuisance or menace to public health exists; provided, however, that the owner or owners of said land, if known, shall be given due notice that the said nuisance or menace to health exists, and shall be directed to abate same; and shall be given a reasonable time so to do.

Section 2. Costs assessed in accordance with the provision of Section 1 may be included in the annual levy for operation of the Town of "North Miami" and shall have the same priority and legal status as other items of the levy.

Section 3. This Act shall take effect immediately upon its passage and approval by the Governor, or its becoming a law without such approval.

Became a law without the Governor's approval.

Filed in Office Secretary of State June 10, 1935.

CHAPTER 18,728, ACTS OF 1937—(No. 1022)
HOUSE BILL NO. 1719

AN ACT Authorizing the Town of North Miami, Florida, a municipal Corporation, Organized and Existing Under and by Virtue of the General Laws of the State of Florida, to Provide by Ordinance for the Levy and Collection of an Occupational Tax From Each Person, Firm or Corporation Now engaged in or Who May Hereafter Engage in Any Occupation Subject to Taxation, to Provide a Penalty for the Violation Thereof, Repeal All Laws or Parts of Laws in Conflict therewith in so far as the Same Are Applicable to Said Town, and Declaring an Emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA: .

Section 1. That the Town of North Miami, Florida, a municipal corporation organized and existing under and by virtue of the General Laws of the State of Florida, be and it is hereby authorized by ordinance to levy and collect an occupational tax or license from all persons, firms and corporations now engaged in any taxable occupation or who may hereafter engage in such occupation an occupational tax or license. Provided, however that such occupational tax or license shall not be excessive or burdensome or contrary to the Constitutions of the United States of America and the State of Florida.

Section 2. All laws or parts of laws in conflict herewith, in so far as same are applicable to the said Town of North Miami, are hereby repealed.

Section 3. An emergency is hereby declared to exist for the passage of this Act.

Section 4. This Act shall take effect immediately upon its passage and approval by the Governor or its becoming law without his approval.

Approved by the Governor June 11, 1937.

Filed in Office Secretary of State June 12, 1937.

CHAPTER 21,426, ACTS OF 1941—(No. 1218)
HOUSE BILL NO. 1717

AN ACT Authorizing "North Miami" a town located in Dade County, Florida, and Incorporated under the general laws of the State of Florida, to Provide by ordinance that the Mayor, the Town Clerk and Treasurer, and the Assessor and Collector of Town taxes, shall hold office for a period of two years from the date of their election or until their Successors are elected and qualified.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

Section 1. That "North Miami," a town located in Dade County, Florida, and Incorporated under the General Laws of Florida, be, and it is hereby authorized and empowered to provide by ordinance that the Mayor, the Town Clerk and Treasurer and the Assessor and Collector of Town taxes, shall continue in office for the period of two years from the date of their election or until their successors are elected and qualified.

Section 2. That this Act shall take effect upon the approval of a majority of the qualified electors of the Town of North Miami, Florida, voting at a special election.

Section 3. All laws, or provisions thereof, in conflict herewith are hereby repealed, insofar as said conflict would prevent the action herein contemplated.

Became a law without the Governor's approval.

Filed in Office Secretary of State, June 16, 1941.

STATE OF FLORIDA,
COUNTY OF VOLUSIA.

Bettye Mace, being duly sworn, says that she is employed in the law office of the legal firm of Hull, Landis & Whitehair, the members of which said firm are counsel for the respondents in this cause, and that on the 13th day of October, A. D. 1941, she mailed a true and complete copy of the above and foregoing brief to Mr. D. H. Redfearn, Counsel for the Petitioner, whose address is given below, said copy being enclosed in an envelope bearing the requisite amount of uncancelled United States postage stamps, by depositing said envelope, containing such copy and being properly sealed, stamped and addressed as given below, in the Postoffice at DeLand, Florida, and that the address on said envelope is the last known address of the counsel above named, said envelope being addressed as follows:

Mr. D. H. Redfearn,
1206-09 Alfred I. DuPont Building,
Miami, Florida.

Bettye Mace

Sworn to and subscribed before me this 13th day of October, A. D. 1941.

Elise Walters

Notary Public, State of Florida.
My commission expires Dec. 16, 1942